

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**CENTRIFUGAL ACQUISITION CORP., INC.,
d/b/a Centrifugal Castings, a Delaware Corporation,**

Plaintiff,

Case No. 09-C-327

-vs-

**ADRIAN A. MOON, BELINDA L. MOON,
BELINDA MOON, LLC, a Wisconsin limited
liability company, JEFFREY A. MOON,
JM CASTING CO., LLC, a Wisconsin limited liability
company, CENTRIFUGAL CASTING, LLC n/k/a
MOON INVESTMENTS, LLC, a Wisconsin limited
liability company, and BELINDA & ADRIAN, LLC, a
Wisconsin limited liability company, and U.S. BATTERY
MFG. AUGUSTA, INC. d/b/a U.S. BATTERY
MANUFACTURING, CO., a Georgia corporation,
J. BENNETT MULLINAX, NEAL P. PIEROTTI, and
DAVID KAPPOS, Director of the United States
Patent and Trademark Office,**

Defendants.

DECISION AND ORDER

Joseph Seifert and Evan Knupp, the third set of counsel for Jeffrey Moon and JM Casting Co., LLC, recently moved to withdraw as counsel in this case for the third time. The Court denied their first motion in March of 2012 because of an emergency relating to the possible publication of a patent application that threatened to disclose the protected trade secrets underlying this case. The Court deferred ruling on the second motion, filed in July of 2012 [ECF No. 280], because it was disclosed to the Court that the parties were in the

process of negotiating a settlement. Counsel now moves to withdraw for the third time because when the “terms of the resolution were being reduced to writing, and the logistics were being planned, Jeffrey Moon suddenly and vehemently objected to even the basic terms of the negotiated agreement, and accused the Declarant of negotiating a settlement without the JM Defendants’ best interests in mind.” ECF No. 288-1, Declaration of Evan Knupp, ¶

7. Mr. Knupp explains that Moon threatened to sue him and he suspects that his conversations are being recorded. Under the advice of counsel, Mr. Knupp has been instructed to limit his communications with the JM Defendants to the absolute minimum necessary to maintain his clients’ current position in this case, simply relaying requests from the Court and/or plaintiff’s counsel. *Id.* at 12. Mr. Seifert shares the same concerns and has been similarly instructed to limit his communications with Mr. Moon. ECF No. 289-1, Declaration of Kevin Seifert, ¶ 11.

The third and most recent motion to withdraw¹ was filed on January 7. In response, the plaintiff, Centrifugal Acquisition Corporation (“CAC”), filed an emergency motion to enforce the settlement agreement and a motion to extend the consent order for temporary constraints. On January 9, the Court extended the order for temporary restraints until such time as the Court rules on the motion to enforce the settlement. The Court also established an expedited briefing schedule, directing the JM Defendants to respond to the motion to enforce the settlement agreement on or before January 15.

¹ In this instance, Mr. Seifert and Mr. Knupp filed separate (but mostly identical) motions. At the outset of their representation, Seifert and Knupp were partners, but have since moved on to different law firms.

Instead of responding, Seifert and Knupp, on behalf of the JM Defendants, moved for an extension of time to answer CAC's motion to enforce the settlement agreement pending a ruling on their most recent motion to withdraw. CAC opposes this motion, but it is well-taken; in fact, the Court is strongly inclined to grant the motions to withdraw in light of Jeffrey Moon's apparent repudiation of his own counsel's efforts to negotiate a settlement in this case. Nonetheless, the Court will wait for CAC to formally respond (in an expedited manner, as explained below).

IT IS HEREBY ORDERED THAT the JM Defendants' emergency motion for an extension of time to answer the motion to enforce the settlement agreement pending a ruling on the pending motions to withdraw [ECF No. 294] is **GRANTED**.

IT IS FURTHER ORDERED THAT CAC should file a response to the motions to withdraw on or before **January 22, 2013**. Seifert and Knupp may file a reply on or before **January 25, 2013**.

Dated at Milwaukee, Wisconsin, this 16th day of January, 2013.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge